

# INFORMATION SHARING AGREEMENTS (ISA)

## Authority

The collection, use and disclosure of any personal information by a public body must comply with the provisions of the *Freedom of Information and Protection of Privacy Act* (the Act).

Interpretation of the privacy provisions of the Act can be found in the [Freedom of Information and Protection of Privacy Act Policy and Procedures Manual](#).

## Purpose

Information Sharing Agreements document the terms and conditions of the exchange of personal information in compliance with the provisions of the Act and any other applicable legislation.

The ISA generally includes the following information (although, in some instances, less information may be acceptable):

1. The Parties (Agreement Administrators) and their contact information
2. The specific purpose of the agreement
3. A description of the personal information to be covered by the agreement
4. A description of how the personal information will be collected, used, and disclosed
5. A statement regarding the accuracy of the personal information
6. A statement respecting security arrangements
7. A description of how compliance with the agreement will be monitored and investigated
8. Term of the Agreement

The provisions of the Act that authorize the collection, use or disclosure of specific information are required to be listed in the applicable sections of the agreement.

## Clarification Regarding [CIO Directive 2/2000](#)

Information Sharing Agreements are normally used when there is a **regular and systematic** exchange of personal information between public bodies or between a public body and an external agency, i.e., when the **same data elements** are being shared on a regular or ongoing basis.

Specific and non-regular requests for personal information would usually be handled on a case-by-case basis. They will be authorized under provisions of the Act, and, where necessary, will be documented separately, e.g., a request from a law enforcement agency for personal information to assist in a specific investigation.

### 1. *Intraministry exchanges:*

Page one of the Directive states that, "Ministries will develop, **where appropriate**, information sharing agreements to cover personal information exchanges outside the immediate program area." Personal information exchanges **within** a public body do not normally require an ISA if they are for a consistent purpose as defined under section 33(c) of the Act or are necessary for the performance of an employee of the public body [section 33(f)]. However, depending on the nature and sensitivity of the personal information exchanged, the public body might choose to prepare an ISA or similar written statement of understanding.

Generally, service contracts contain a clause that specifies that all government records remain under the control of the Province, and are therefore subject to privacy protection and access provisions of the Act. If such a contract is in place, personal information shared between an

employer and contractor, or between a contractor and a multi-disciplinary team (as in a shared social services model), would not necessarily require an ISA. It is understood that one contract might apply to a group of contractors, e.g., one comprehensive contract applying to 300 group home contractors rather than 300 separate contracts. The important requirement is that each contractor is aware of his/her statutory roles and responsibilities.

If a contract is not in place as outlined above, the ministry should create an ISA to address the terms and conditions covering the sharing of personal information.

## **2. *Interministry exchanges:***

In most cases, personal information exchanges between public bodies require an Information Sharing Agreement. Again, the provisions of the Act and the sensitivity of the personal information should be taken in consideration when determining the need for an ISA.

There will be instances where the functions of a former ministry are dispersed amongst several ministries yet there is a requirement for coordinated service and/or care delivery. Some of these instances may require shared access to a common database or set of files. Ministries may view the sharing as authorized under section 26(c) (collection necessary for program operation or activity) and section 33(c) (consistent purpose). However, because different public bodies are making decisions with respect to often sensitive personal information, ministries might want to create a memorandum of understanding or other documentation that clarifies the relationship and uses of the personal information. Given the issues regarding custody and control, an ISA might be important for instances where there are shared databases or files.

## **3. *External information exchanges:***

ISAs are required for exchanges between a public body and another jurisdiction, even if authorized/required by legislation. A clear articulation of expectations, roles and responsibilities is especially critical in these types of external exchanges. The public body is sharing (disclosing and/or collecting) personal information to a party outside the coverage of the Act. Before doing so, it must define the conditions under which it is prepared to participate in the sharing, and demonstrate a commitment to monitoring compliance over time.

If additional assistance or clarification is required, please contact Sharon Plater, Director, Information Policy and Privacy Branch at 356-1369.